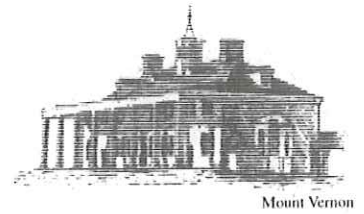




Dan Storck
Mount Vernon District Supervisor
Fairfax County Board of Supervisors
2511 Parkers Lane
Mount Vernon, VA 22306

Telephone: (703) 780-7518 E-mail: mtvernon@fairfaxcounty.gov



Mount Vernon

February 9, 2016

Dear Constituents:

I would like to share the following information with you regarding your South County community over the last month.

Please do not hesitate to contact my office at anytime by calling 703-780-7518 or via e-mail at mtvernon@fairfaxcounty.gov.

Respectfully yours in public service,

Dan Storck
Supervisor, Mount Vernon District
Fairfax County Board of Supervisors

Attached Documents

1. Letter from Chairman Bulova to the General Assembly regarding HB 770/SB 549
2. Outline of VA Code Ann. 15.2-2208.1
3. January 2016 Fairfax County Economic Indicators
4. Board Matters

Important Website Links

- Lorton Road Construction Updates
<http://www.LortonRoadConstruction.com>
- Liberty Crest
<http://www.fairfaxcounty.gov/dpwes/libertycrestlaurelhill/liberty-crest-at-laurel-hill.htm>
- Laurel Hill Adaptive Reuse
http://www.fairfaxcounty.gov/dpz/laurelhill/master_plan.htm



SHARON BULOVA
CHAIRMAN

COMMONWEALTH OF VIRGINIA
County of Fairfax
BOARD OF SUPERVISORS

SUITE 530
12000 GOVERNMENT CENTER PKWY
FAIRFAX, VIRGINIA 22035-0071

TELEPHONE: 703/324-2321
FAX: 703/324-3955
TTY: 711

chairman@fairfaxcounty.gov

February 2, 2016

Fairfax County General Assembly
Delegation Members
General Assembly Building
Richmond, VA 23218

Dear Fairfax County General Assembly Delegation Members:

We are writing you today to request that you oppose HB 770 (Gilbert) and SB 549 (Obenshain), or seek amendments to shield Fairfax County from the significant restrictions these bills would place on development.

As you know, Fairfax County works closely with our development community to balance the impacts of new development with the added demand for County services and public facilities that result from that development. We do that through the proffer system, which provides an opportunity for developers to work with the County to address community concerns related to the increased density of such development. In Fairfax County, our collaboration with our partners in the development community has led to successful, innovative plans such as the redesign of Tysons, construction of the Mosaic District, and the revitalization of Springfield, among others.

Though the bills apply only to residential development, that also includes the residential components of mixed use developments, as well as multi-family residential development. Proffers for such development could only include public facility improvements for schools, transportation, and public safety (under the current House version parks would also be included). However, developers often tell us that they prefer flexibility to negotiate a wider range of items – this bill would limit that flexibility by prohibiting them from including libraries, work-force housing, and other public facilities in those negotiations. Passage of this legislation would severely hinder our ability to work with developers to address the concerns of our shared constituents. In addition, developers will be negatively impacted if they no longer have the flexibility to negotiate a wider range of proffered improvements, because they may be precluded by this legislation from qualifying for density bonuses or similar higher density redevelopment options in the County's Comprehensive Plan.

As you may know, the County has worked closely with industry and community stakeholders to amend our Comprehensive Plan, as we continue to prepare for exceptional, innovative growth in the coming years. We have already seen success in the transformation of Tysons, which is the most publicized new development in the County; the House bill addresses concerns about that area by exempting it from the legislation. However, Tysons is only one part of the County. We also continue to make progress in planning communities through transit oriented development,

by enhancing the growth and success of our newer developments while revitalizing our older commercial areas, ensuring active and vibrant districts throughout Fairfax County. Virtually all development in the County is infill development. In these types of cases, proffers are critical in meeting infrastructure and compatibility needs of surrounding areas. If enacted, these bills may require us to rewrite entire sections of our Comprehensive Plan and Zoning Ordinance. We know that these new developments will augment the strong business climate we have already created – a business climate that helps us attract and retain both Fortune 500 companies and entrepreneurial start-ups every year, benefitting the entire Commonwealth. Retaining our land use authority is essential to that effort, and we need your help to make that happen – please oppose HB 770/SB 549, or seek amendments to safeguard Fairfax County's proffer authority.

We appreciate your time and attention to this critical matter, and we look forward to working with you on these issues in the coming days and weeks.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Bulova". The signature is fluid and cursive, with the first name "Sharon" being more prominent than the last name "Bulova".

Sharon Bulova
Chairman, Fairfax County Board of Supervisors

cc: Members, Fairfax County Board of Supervisors
Fairfax County Federation of Citizens Associations
Edward L. Long, Jr., County Executive
Claudia Arko, Legislative Director

OUTLINE OF VA. CODE ANN. § 15.2-2208.1

I. Overview of Statute:

Va. Code Ann. § 15.2-2208.1, which took effect on July 1, 2014 (see Exhibit A, below, for full text), provides that if a locality imposes an unconstitutional condition on a land use applicant, the applicant will be entitled to an award of compensatory damages, as well as an order directing the locality to approve or deny the application without the unconstitutional condition. In addition, the locality may have to pay the applicant's attorneys' fees and court costs. If an applicant objects in writing to a proposed unconstitutional condition, and the locality refuses to eliminate the condition, then it will be presumed that the unconstitutional condition was the controlling basis for the locality's decision.

II. Applicability:

The new law applies to development conditions that are unilaterally imposed by the Board of Supervisors on an applicant for a special exception, among other applications and permits. The statute should not apply to proffers, which are voluntary in nature, or agreed upon special exception development conditions.

III. What is an unconstitutional condition?

An unconstitutional condition: (i) does not bear a nexus to the proposed development; and/or (ii) is not roughly proportional to the impacts of the proposed development.

IV. What does "nexus" mean in this context?

The need for the condition must be substantially generated by the proposed development and not from the conditions that generally prevailed at the time the land use application was filed.

V. What does "roughly proportional" mean in this context?

A development condition is roughly proportional if an individualized determination has been made that the proposed condition is related both in

nature and extent to the anticipated impacts of the proposed development. The determination need not be proven to a mathematical certainty, but must be supported by quantifiable or measurable evidence that is based on the particular facts associated with the land use application under consideration.

VI. Examples:

It is difficult to provide bright line rules because the nexus/rough proportionality test is a highly fact specific analysis.

Traditionally, problems have arisen where road and trail dedications were required solely because they were part of the locality's master plan for the public infrastructure, and there was no evidence linking the need for the dedication to the proposed development.

If the applicant has filed a written objection or if there is uncertainty about whether the nexus/rough proportionality test has been met, the question should be referred to the County Attorney's Office.

EXHIBIT A

§ 15.2-2208.1. Damages for unconstitutional grant or denial by locality of certain permits and approvals.

A. Notwithstanding any other provision of law, general or special, any applicant aggrieved by the grant or denial by a locality of any approval or permit, however described or delineated, including a special exception, special use permit, conditional use permit, rezoning, site plan, plan of development, and subdivision plan, where such grant included, or denial was based upon, an unconstitutional condition pursuant to the United States Constitution or the Constitution of Virginia, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without the unconstitutional condition and may be entitled to reasonable attorney fees and court costs.

B. In any proceeding, once an unconstitutional condition has been proven by the aggrieved applicant to have been a factor in the grant or denial of the approval or

permit, the court shall presume, absent clear and convincing evidence to the contrary, that such applicant's acceptance of or refusal to accept the unconstitutional condition was the controlling basis for such impermissible grant or denial provided only that the applicant objected to the condition in writing prior to such grant or denial.

C. Any action brought pursuant to this section shall be filed with the circuit court having jurisdiction of the land affected or the greater part thereof, and the court shall hear and determine the case as soon as practical, provided that such action is filed within the time limit set forth in subsection C or D of § 15.2-2259, subsection D or E of § 15.2-2260, or subsection F of § 15.2-2285, as may be applicable.

(2014, cc. 671, 717.)



ECONOMIC INDICATORS®

FAIRFAX COUNTY
DEPARTMENT OF MANAGEMENT AND BUDGET

JANUARY 2016

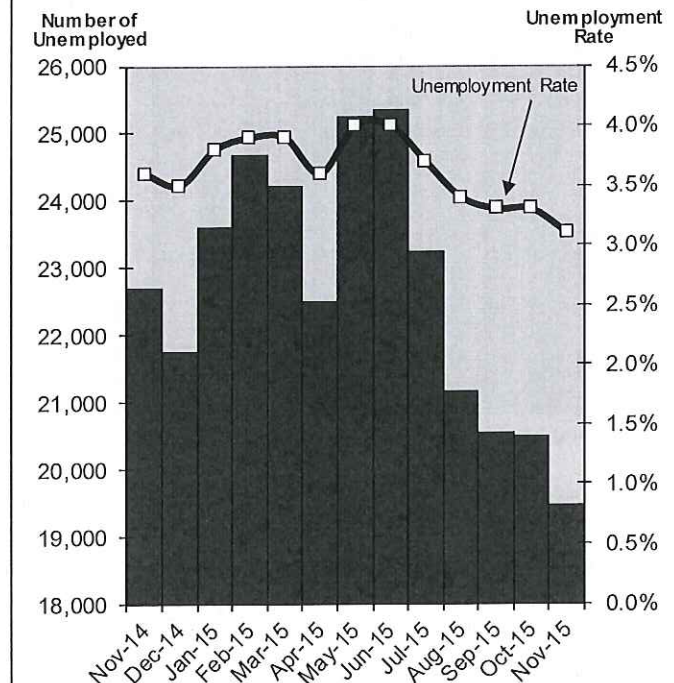
IN THIS ISSUE:

- ❑ The November unemployment rate in Fairfax County decreased to 3.1 percent.
(See page 1)
- ❑ For the first six months of the fiscal year, Sales Tax receipts in Fairfax County are up 2.7 percent.
(See page 2)
- ❑ Based on preliminary estimates, the U.S. economy grew at an annual rate of 0.7 percent in the fourth quarter of 2015 and by 2.4 percent for all of 2015.
(See page 2)
- ❑ The Consumer Confidence Index increased in December after decreasing the previous two months.
(See page 2)
- ❑ During 2015, 14,850 homes were sold, an increase of 9.6 percent over last year.
(See page 3)
- ❑ In 2015, on average, it took 7 days longer to sell a home in Fairfax County compared to 2014.
(See page 3)
- ❑ The average sales price of all homes that sold in 2015 increased 1.1 percent compared to the average sales price in 2014.
(See page 4)
- ❑ The number of single family building permits issued in the County for 2015 decreased 2.2 percent from last year.
(See page 4)

Previous issues of this
publication can be accessed at:

[http://www.fairfaxcounty.gov/economic/
economic_indicators.htm](http://www.fairfaxcounty.gov/economic/economic_indicators.htm)

FAIRFAX COUNTY UNEMPLOYMENT DATA



Source: Virginia Employment Commission. Compiled by the Fairfax County Department of Management and Budget.

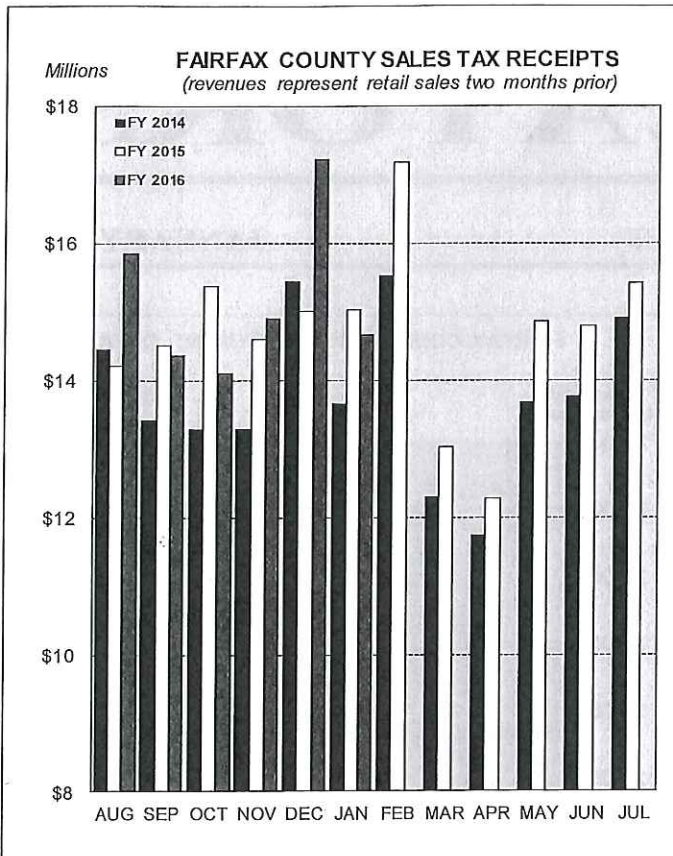
Employment

The November unemployment rate in Fairfax County was 3.1 percent, a decrease of 0.2 percent from October. The number of unemployed residents decreased over the month from 20,493 to 19,445. The County's unemployment rate was 0.5 percentage point lower than last November.

The seasonally adjusted unemployment rate in Virginia decreased from 4.2 percent in October to 4.1 percent in November and stands at its lowest level since July 2008. The rate was down 0.7 percentage point from November 2014.

The U.S. seasonally adjusted unemployment rate in November was unchanged at 5.0 percent. Over the year, the unemployment rate is down 0.8 percentage point. Total nonfarm payroll employment increased by 211,000 in November. Over the prior twelve months, employment growth had averaged 237,000 per month.

Sales Tax Receipts



Source: Virginia Department of Taxation. Compiled by the Fairfax County Department of Management and Budget.

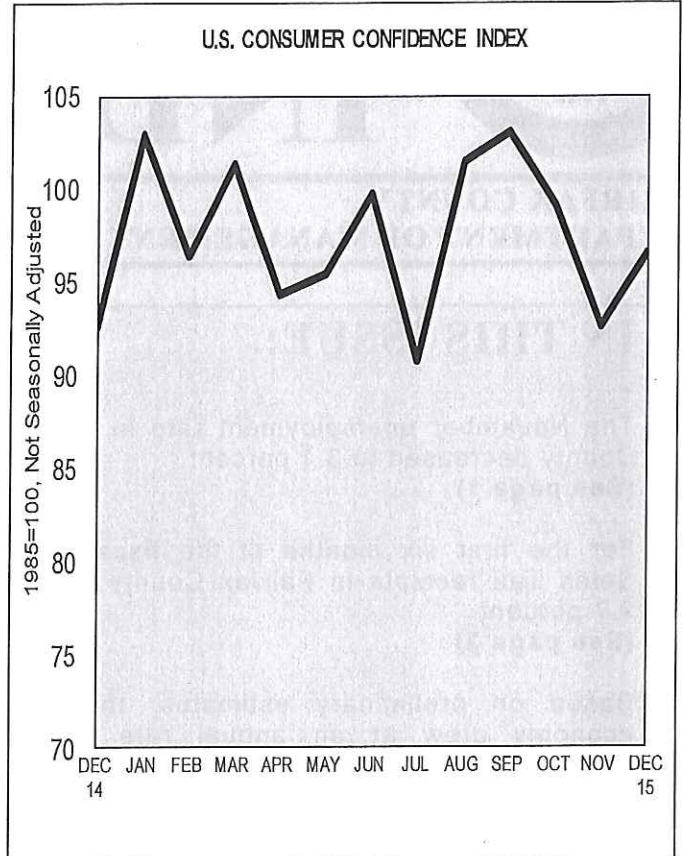
Sales Tax receipts distributed to Fairfax County in January for retail purchases made in November were \$14.7 million, a decrease of 2.5 percent from January 2015. Combined, Sales Tax receipts are up 2.7 percent for the first six months of the fiscal year.

NATIONAL INDICATORS

Case-Shiller Home Price Indices

Based on the latest available data, home prices in 20 U.S. cities, as measured by the S&P Case-Shiller Index, increased 5.8 percent for the 12 months ending in November 2015, a slight acceleration compared to the 12 months ending in October. The Washington Metropolitan area posted a 2.1 percent gain during the same period.

Consumer Confidence Index



Source: The Conference Board. Compiled by the Fairfax County Department of Management and Budget.

The Consumer Confidence Index increased in December, after decreasing for the previous two months. The index stands at 96.5 (1985=100), an increase from 92.6 a month ago. Both the present situation component and the expectations component increased from last month. Lynn Franco, Director of Economic Indicators at the Conference Board, said that, "As 2015 draws to a close, consumers' assessment of the current state of the economy remains positive, particularly their assessment of the job market." She added that "looking ahead to 2016, consumers are expecting little change in both business conditions and the labor market."

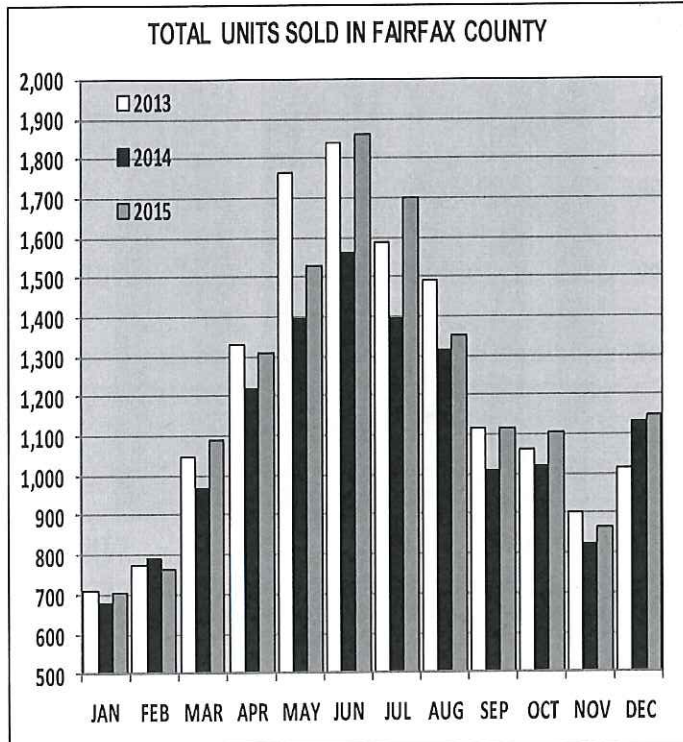
Gross Domestic Product

Real gross domestic product (GDP) increased at an annual rate of 0.7 percent in the fourth quarter of 2015, according to the advanced estimate by the Bureau of Economic Analysis (BEA). In the third quarter, real GDP increased 2.0 percent. For all of 2015, real GDP grew at a preliminary rate of 2.4 percent, the same rate of growth for 2014. The fourth quarter and annual rates for 2015 will be revised twice before they are considered final.

FAIRFAX COUNTY HOUSING MARKET

Total Home Sales Volume

In December, 1,150 homes were sold in Fairfax County, an increase of 1.8 percent over the 1,130 homes sold in December 2014. During all of 2015, the number of home sales increased 9.6 percent from 13,549 in 2014 to 14,850 in 2015.



Source: Real Estate Business Intelligence. Compiled by the Fairfax County Department of Management and Budget.

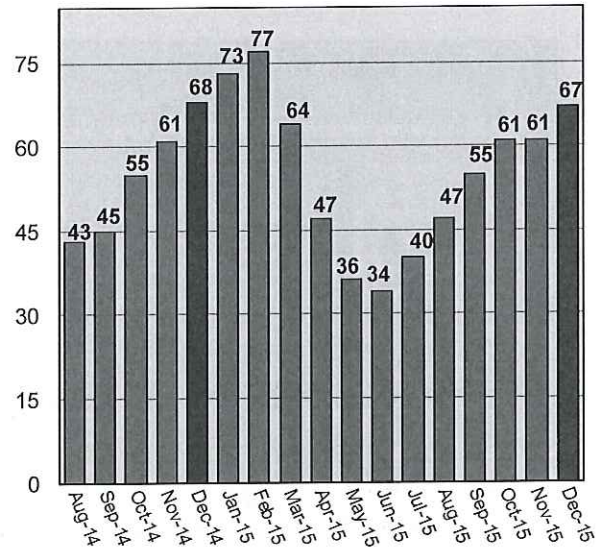
Average Days on the Market

On average, homes that sold in Fairfax County in December were on the market for 67 days. This is 1 day shorter than the 68-day average in December 2014. During 2015, homes were on the market 52 days before they sold, up from 45 days in 2014.

Changes in selling prices and the volume of sales are presented as indicators of the County's real estate market. Average selling price changes do not translate directly into assessment adjustments, since the mix of homes sold is not necessarily reflective of the County's entire housing stock. To read more about Fairfax County tax assessments, please visit:

www.fairfaxcounty.gov/dta/tax_assessment.htm

AVERAGE DAYS ON THE MARKET IN FAIRFAX COUNTY



Source: Real Estate Business Intelligence. Compiled by the Fairfax County Department of Management and Budget.

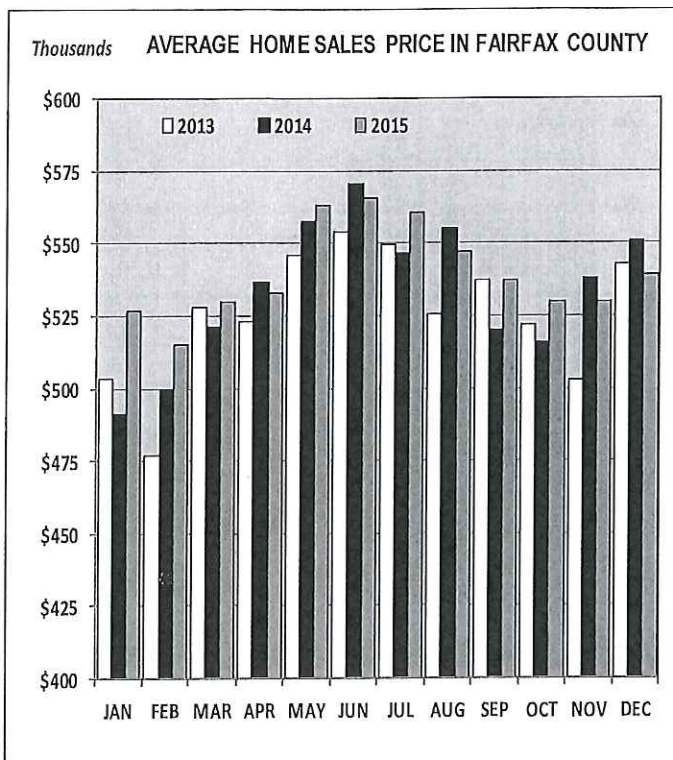
Average Home Sales Prices

The average sales price of all homes that sold in December 2015 in Fairfax County was \$539,383, a decrease of 2.1 percent from the December 2014 average sales price of \$550,848. During 2015, the average home sales price in the County increased 1.1 percent to \$544,055 compared to 2014.

The average sales price for detached homes that sold in December 2015 was \$716,163, an increase of 1.2 percent over the December 2014 average of \$707,756. In 2015, detached homes' average sale price increased 0.7 percent over 2014 and attached homes increased 2.0 percent during the same time period.

**FAIRFAX COUNTY
AVERAGE SALES PRICE OF HOMES SOLD IN
DEC 2015 COMPARED TO SALES IN DEC 2014**

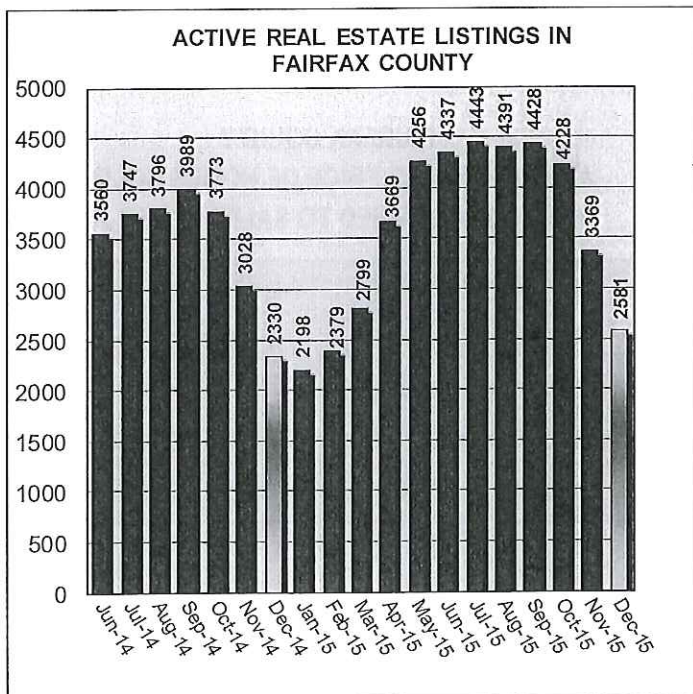
	DEC 2015	DEC 2014	% Change
All Homes	\$539,383	\$550,848	-2.1%
Detached Homes	\$716,163	\$707,756	1.2%
Attached Homes	\$379,021	\$369,386	2.6%



Source: Real Estate Business Intelligence. Compiled by the Fairfax County Department of Management and Budget.

Inventory of Homes for Sale

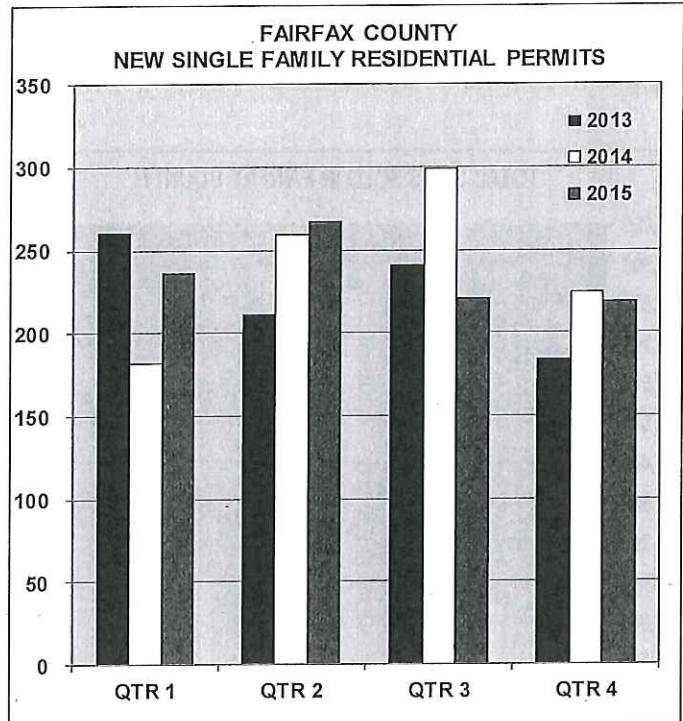
The number of active listings in the County in December was 2,581, an increase of 10.8 percent over the 2,330 listed in December 2014. Based on the December 2015 listings and the current sales rate, there is approximately a 2.2 month supply of homes for sale in the County, slightly higher than the 2.1 month supply a year ago.



Source: Real Estate Business Intelligence. Compiled by the Fairfax County Department of Management and Budget.

Single Family Building Permits

During the fourth quarter of 2015, 219 new single family building permits were issued in Fairfax County. This represents a 2.2 percent decrease from the 224 permits issued during the same period in 2014. The number of new single family permits issued for all of 2015 was 943, down 2.2 percent compared to the 964 issued in 2014.



Source: Fairfax County Land Development Services. Compiled by the Fairfax County Department of Management and Budget.

Inquiries regarding this publication should be directed to:

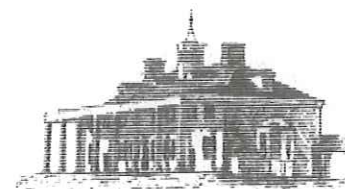
The Department of Management and Budget
12000 Government Center Parkway
Suite 561
Fairfax, Virginia 22035-0074
(703) 324-2391 or 1-800-828-1120 (TDD)

Staff: Marcia Wilds, Revenue and Economic Analysis Coordinator; Alben Assenova, Senior Budget Analyst; Eric Eisinger, Budget Analyst



Dan Storck
Mount Vernon District Supervisor
Fairfax County Board of Supervisors
2511 Parkers Lane
Mount Vernon, VA 22306

Telephone: (703) 780-7518 E-mail: mtvernon@fairfaxcounty.gov



Mount Vernon

To: Fairfax County Board of Supervisors

From: Dan Storck, Supervisor
Mount Vernon District

Subject: **BOARD MATTERS for February 2, 2016**

For your consideration, I submit the following Board Matters accompanied by a brief explanation. Your support will be appreciated.

1. **Plowing Bonded Development Streets**
2. **Request to Prioritize Shoveling Walkways on County Land in Close Proximity to Schools**
3. **Mount Vernon's 29th Annual Town Meeting**

1. Plowing Bonded Development Streets

Background

A little over one week, and a lifetime's worth of shoveling ago, Fairfax County experienced Snowzilla, a historic blizzard. After the snow let up, several residents contacted me seeking assistance to have the developers in their communities come out to plow their streets. All around them, state, county, and many private roads had been cleared, but some of the bonded developments, which had not yet been transferred into VDOT's secondary system, had not been touched. Public Works staff has been excellent reaching out to these developers to have the roads plowed, and most did so without prompting or shortly thereafter. Some took over a week to have a single car lane's width plowed to provide access. Without vehicular access, our resident's safety is at risk and their daily living is compromised.

Currently, Public Works holds a bond for public infrastructure for developments, some new, some many years old. Some residents inquired if Fairfax County could withhold a portion of the developers bond to cover our expense, or for us to pay for VDOT's or the HOA's expense, to plow the streets if the responsible party does not perform the work in a certain prescribed period of time. I know the amount of snow that fell recently is historic, but this is not a new issue. This raises a few questions: Is snow plowing a bonded item? If not, do we have the enabling authority to make it a bonded item? Can a portion of the bond be used to reimburse the cost to plow if it isn't done in a timely manner? Ultimately, I would like to find a way for Fairfax County to incentivize snow clearing in bonded developments so our residents can be safe, the developers responsive and our streets clear.

Proposed Action

Therefore, I ask, with unanimous consent, that the Board of Supervisors direct the County Executive and County Attorney to examine this matter and return to the Board with a memorandum on recommendations for snow removal on bonded streets.

2. Request to Prioritize Shoveling Walkways on County Land in Close Proximity to Schools

Background

One of the biggest challenges to getting schools open again in our region is clearing sidewalks, bus stops and sight lines at intersections of snow. Every organization responsible for clearing sidewalks has made a herculean effort over the last several days. As the snow melts, some kids are still walking in the street and bus passengers are waiting in highway lanes to catch the Connector or REX bus because sidewalks or bus stops are not clear. One constituent contacted my office to see if a sidewalk on parkland adjacent to a school could be shoveled so children had a clear and safe path. This local park was low on the Park Authority's priority list for snow removal. In other places around my district, community members had to come together to shovel out thousands of yards of sidewalk to connect communities to their local schools.

While I don't believe government should do all things for all people, I do think Fairfax County, our school system and our communities can have a more systematic and dependable way to partner and pool resources to clear designated sidewalks to allow safe paths for school children. Fairfax County could even seek out and recognize communities, businesses, agencies and organizations to adopt a sidewalk to clear in the event of a snowstorm. I believe Fairfax County Government and its many contributory agencies should prioritize clearing of pathways near schools to assist in this effort. While I hope Snowzilla never blows its arctic breath our way again for many years, the partnership among our government, businesses, non-profits and communities help maintain our public spaces for the safety of our school children, walkers and public transit users.

Proposed Action

Therefore, Madam Chairman, I ask, with unanimous consent, that the Board of Supervisors direct the County Executive to review this matter, discuss it with the School's Superintendent, as needed, and return to the Board with his recommendations.

3. Mount Vernon's 29th Annual Town Meeting

Background

This year I am fortunate to have the opportunity to continue a Mount Vernon tradition established by my predecessor, the annual Mount Vernon Town Meeting. While Gerry Hyland began the annual Town Meeting back in 1988, he made sure the meeting wasn't about him. The Town Meeting is about informing the Mount Vernon community of what its government is doing for them, and even more importantly, listening to the people discuss and debate our future in an open forum. I am pleased the Chairman Sharon Bulova, County Executive Ed Long, Fort Belvoir Commander Colonel Mitchell, School Board Member Karen Corbett Sanders will join me. Due to scheduling difficulties, we will not have our meeting on Super Bowl Saturday at Mount Vernon High School, but instead will have it on February 27th at Walt Whitman Middle School. I invite all my colleagues to join me there.

Proposed Action

Therefore, Madam Chairman, I ask, with unanimous consent, that the Board of Supervisors direct the Office of Public Affairs to advertise the Town Meeting on its various communications platforms.